IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24349 of 2004

Between:

R.Munaswamy, S/o.Munaswamy Setty
R/o.Panduranga Street, Sullurupet, Nellore District.

..... PETITIONER

AND

The Deputy Transport Commissioner

and Secretary Regional Transport Authority,

Nellore, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus declaring the Memo No X.N.Dis 16036/A3/2004 dt.17.12.2004 returning the application dated 17.11.2004 of the petitioner for replacement of the vehicle under Section 83 of M.V.Act 1988 in respect of the Bus AP.26/U.8373 plying on the Town Service Route Sullurpet Bus Stand to Vatambedu (via) Gollamadugu Etc., as illegal arbitrary and contrary to law and consequently direct the respondent to grant permission for replacement of the existing vehicle an mentioned in the application dated 17.11.2004 forthwith and pass such other or further orders.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER

Declaring the memo No.X.N.Dis.16036/A3/2004, dated 17.12.2004 in returning the application of the petitioner dated 17.11.2004 for replacement of the vehicle under Section 83 of the Motor Vehicles Act, 1988 in respect of the Bus bearing registration No.AP.26/U.8373 plying on the Town Service Route Sullurupet Bus Stand to Vatambedu (via) Gollamadugu, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport, appearing for the respondent.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondent to consider and pass appropriate orders on the application of the petitioner dated 17.11.2004 in accordance with the provisions of the Motor Vehicle Act, 1988 and the Rules made there under, within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Dated: 07.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue CC in two days

B/o.

Dsr

To:

1. The Deputy Transport Commissioner &

Secretary, Regional Transport Authority,

Nellore, Nellore District

2. Two CCs to the Government Pleader for

Transport, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies

*Form-NIC-OGS/WP{**MPL**}*